

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.633 of 2017
and
C.M.P.No.3213 of 2017

1. K.Rathinam Mudaliar
2. J.Loganathan
3. Rajakumari
4. K.Shanmuga Mudaliar
5. Bagayam
6. Malini
7. Malar

.. Petitioners

Vs.

1. Kannivelu Mudaliar
2. N.Gnanavael Mudaliar
3. K.Ranganathan
4. V.Murugesan
5. Kuppan
6. Sampath
7. K.Shanmugam
8. S.Kulothungan

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.09.2016 passed in

I.A.No.37 of 2016 in O.S.No.7 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai.

For petitioners : Dr.P.Jagadeesan

ORDER

The revision is directed against an order passed in the application filed by the defendants 2 to 9 who were set ex-parte. The said application has been filed under Order 9 Rule 7 CPC. It was allowed by the trial Court on payment of Rs.300/- to the plaintiffs as costs. The only contention of the learned counsel for the petitioners is that though the ex-parte order was passed as early as on 01.10.2013 itself, steps have been taken only after three years. However, it is stated that the trial in the suit has just commenced. Therefore, there cannot be any grievance for the revision petitioners against the impugned order. If the delay is the only cause for their grievance, this Court is inclined to direct the trial Court to dispose of the suit itself (O.S.No.7 of 2011) on or before 31.12.2017. With this direction, the Civil Revision Petition is disposed of. No costs. C.M.P. is closed.

23.02.2017

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Copy to

The District Munsif-cum-Judicial Magistrate,
Uthukottai.

PUSHPA SATHYANARAYANA, J

CS

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